THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 23757 OF 1997

Dated: 12.02.2007

Between:

Smt Kamal.

.....

Petitioner

Vs.

The Chairman, Andhra Pradesh State Electricity Board, Vidyut Soudha, Hyderabad and others.

.....Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23757 of 1997

ORDER:

The petitioner, a Telephone Operator, claims promotion to the post of Assistant from the date of formation of the new P & G Service i.e., 23.02.1984 duly fixing her seniority in the category of Telephone Operator with all attendant benefits.

According to the petitioner, she possesses all the requisite qualifications to the post of Assistant and only on the ground that the post of Telephone Operator is not a feeder post, for promotion as an Assistant, she was denied promotion. The rules were amended w.e.f. 23.09.1993 treating Telephone Operator as the feeder category to the post of Assistant. Subsequently, the petitioner was promoted as Assistant, vide memo dated 22.07.1994, fixing her seniority in the cadre of Assistant from 23.09.1993 and not from a date on par with her juniors. It is necessary to note that since the post of Telephone Operator was included in the feeder categories for promotion to the post of Assistant pursuant to an amendment of the Regulation on 23.9.1993, the petitioner could only have been entitled to be appointed by promotion as an Assistant with effect from 23.09.1993 and not prior thereto. The petitioner's contention that the rules should have provided for telephone operators also to be included as among the feeder category for promotion to the post of Assistant does not merit acceptance. It is well settled that it is not for this Court to issue a Mandamus to the authorities to make rules or to issue a direction that the rules should be brought into force with effect from a particular date. Since the rules were amended with effect from 23.9.1993, the petitioner has been given benefit of

promotion with effect from that date. The action of the respondent cannot, therefore, be faulted.

The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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RAMESH RANGANATHAN, J

Dated: 12.02.2007

sj